

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVDOKIA NIKOLOVA,
Plaintiff,

v.

UNIVERSITY OF TEXAS AT AUSTIN,
Defendant.

§
§
§
§
§
§
§

Civil Action No.: 1:19-CV-00877

DEFENDANT’S WITNESS LIST AND DEPOSITION DESIGNATIONS

TO THE HONORABLE JUDGE PITMAN:

Rule CV-16(f) of the Court’s Local Rules instructs the parties to file “[t]he name and, if not previously provided, the address and telephone number of each witness (except those to be used for impeachment only), separately identifying those whom the party expects to present and those whom the party may call if the need arises.” LR CV-16(f)(5) (W.D. Tex.). In compliance with that rule, Defendant The University of Texas at Austin (“UT Austin”) respectfully identifies the following witnesses:

WITNESS NAME	ADDRESS & PHONE # (only if <u>not</u> previously provided)	EXPECTS TO CALL	MAY CALL
Gregory L. Fenves	Not applicable.	X	
Sharon Wood	Not applicable.	X	
Ahmed Tewfik	Not applicable.	X	
Christine Julien	Not applicable.	X	
Jerry Speitel	Not applicable.	X	
Evdokia Nikolova	Not applicable.	X	
Carmen Shockley	Not applicable.	X	
Sujay Sanghavi	Not applicable.		X
Michael Orshansky	Not applicable.		X
Constantine Caramanis	Not applicable.		X
Shane Thompson	Not applicable.		X

WITNESS NAME	ADDRESS & PHONE # (only if <u>not</u> previously provided)	EXPECTS TO CALL	MAY CALL
John Dalton	Not applicable.		X
Donald R. Deere	Not applicable.		X

Rule CV-16(f) further instructs the parties to file “[t]he name of those witnesses whose testimony is expected to be presented by means of a deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only) and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.” LR CV-16(f)(6) (W.D. Tex.). UT Austin hopes to call its former president Gregory L. Fenves as a live witness at trial. However, as President Fenves presently resides and works in the State of Georgia¹, well over 100 miles from this Honorable Court, UT Austin is prepared to present his testimony by means of a deposition if necessary. *See* FED. R. EVID. 804(b)(1); FED. R. CIV. P. 45(c). A similar obstacle may be posed by Ahmed Tewfik, who is currently on leave from his employment at UT Austin and has been temporarily residing in California. For both witnesses, UT Austin is still in the process of securing their live testimony and may be interested in exploring the possibility of one or the other testifying remotely from out-of-state with the Court. Based on a reasonable expectation that the witnesses will be called live—and by agreement between the parties—neither party is submitting deposition page-line excerpts at the present time.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

¹ *See* About President Fenves, Emory University, <https://president.emory.edu/about/index.html> (“Gregory L. Fenves was named Emory’s president in 2020.”) (last accessed January 29, 2022).

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN COWLES

Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT

Chief for General Litigation Division

/s/ Benjamin L. Dower

BENJAMIN L. DOWER

Deputy Chief for General Litigation Division

Texas State Bar No. 24082931

benjamin.dower@oag.texas.gov

AMY S. HILTON

Assistant Attorney General

Texas State Bar No. 24097834

amy.hilton@oag.texas.gov

Office of the Attorney General

General Litigation Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

(512) 463-2120 / Fax (512) 320-0667

COUNSEL FOR UT AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Benjamin L. Dower

BENJAMIN L. DOWER

Deputy Chief for General Litigation Division